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MAILED
MAR 31 2010
OFFICE OF PETITIONS

In re Patent No. 7,546,456 : DECISION ON REQUEST FOR
Le et al. : RECONSIDERATION OF
Issue Date: June 9, 2009 : PATENT TERM ADJUSTMENT AND
Application No. 10/615,829 : NOTICE OF INTENT TO ISSUE
Filed: July 10, 2003 : CERTIFICATE OF CORRECTION
Atty Docket No. 088245-0111 :

This is a decision on the petition filed on September 30, 2009,¹ which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred ninety-four (894) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent** that the term of the above-identified patent is extended or adjusted by eight hundred ninety-three (893) days.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on July 11, 2006, and ends on August 19, 2007, the day before the RCE was filed, and is 405 (not 406) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 893, not 894 days.

¹ This petition was timely filed within two months of the decision on the request for reconsideration of patent term adjustment mailed August 10, 2009.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges the previous submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **eight hundred ninety-three (893) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,546,456 B2

DATED : Jun. 9, 2009

DRAFT

INVENTOR(S): Le et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 580 days

Delete the phrase "by 580 days" and insert – by 893 days--